

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.22213 of 2001

Between:

Reddy Srinivas, S/o.Venkataramakrishna Murthy,
R/o.Avidi, Kothapeta Mandal, East Godavari District.

..... PETITIONER

AND

- 1 The Government of Andhra Pradesh, Revenue (Excise-III)
Department, Rep. by its Officer on Special Duty, Secretariat,
Hyderabad.
- 2 The Commissioner of Prohibition and Excise, Government of
Andhra Pradesh, Hyderabad.
- 3 The Prohibition and Excise Superintendent, Vizianagaram.
- 4 Sri U.Satyanarayana Murthy, M/s. Kokila Wines, Gollavilli,
East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the order of the 1st respondent passed in G.O.Rt.No.1962 Revenue (Excise-III) Department dt:9.10.2001 and the consequential action of the 3rd respondent in proposing to grant licence in favour of the 4th respondent as illegal, arbitrary and without jurisdiction..

Counsel for the Petitioner: MR.Y.VIVEKANANDA SWAMY

Counsel for the Respondent Nos.1 to 3: GP FOR PROHIBITION & EXCISE

Counsel for the Respondent No.4: None appeared.

The Court made the following:

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ORDER:

The fourth respondent's licence in Form I.L.24 was cancelled by the Excise Superintendent on the ground that the shop was near the M.P.P. School by less than 100 meters. He preferred a Revision Petition before the Government. It was allowed by the impugned G.O.Rt.No.1962 Revenue (Excise-III) Department dated 09.10.2001. The petitioner, who is a rival trader having licence in Form I.L.24 at Gollavilli village in East Godavari District, challenged the said Government orders.

This Court while admitting the writ petition suspended the impugned G.O. Subsequently, similar writ petitions in W.P.Nos.2679 of 2001 and batch filed impugning the said G.O. were allowed by this Court in **Vishwanatha Ravi Kumar v. Government of A.P.**, and the decision of the learned single Judge was affirmed by a Division Bench. Following the said decision of the learned single Judge, this writ petition ought to be allowed. However, by impugned G.O., the Government permitted the fourth respondent to establish the shop at Gollavilli village during the year 2001-2002. In that view of the matter, nothing survives in this writ petition. Even if the writ petition is allowed or dismissed, the fourth respondent cannot be granted any licence now.

The writ petition, with the above observations, is dismissed as infructuous.

(V.V.S.RAO,J)

June 29, 2005.

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To

- 1 The Officer on Special Duty, Government of Andhra Pradesh,
Revenue (Excise-III) Department, Secretariat, Hyderabad.
- 2 The Commissioner of Prohibition and Excise, Government of

Andhra Pradesh, Hyderabad.

3 The Prohibition and Excise Superintendent, Vizianagaram.

4. Two CCs to the Government Pleader for Prohibition & Excise,

High Court Buildings, Hyderabad. (OUT)

5. Two CD Copies.